



# General Assembly

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## Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

### Tokelau

#### Working paper prepared by the Secretariat

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## I. General

1. Tokelau<sup>1</sup>, a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Nukunonu, Fakaofu and Atafu), with a total area of approximately 12.2 square kilometres. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. In 1998, the population in the Territory was estimated to be 1,443.<sup>2</sup> This is a decrease from the population of 1,577 recorded in the 1991 census. At that time, there were 543 inhabitants on Atafu, 437 on Nukunonu and 597 on Fakaofu. The constraints of atoll life and limited opportunities have led some 3,000 Tokelauans to settle abroad, particularly in New Zealand and Samoa.

## II. Constitutional and political developments

### A. Constitutional developments

3. As reported in the previous working paper (A/AC.109/2116) and the Special Committee's resolution on the question of Tokelau (A/AC.109/2124), the process of constitutional development is continuing. According to information provided by the administering Power, on 3 August 1998, the General Fono (the national representative body) endorsed a comprehensive report entitled "Modern House of Tokelau". This report addressed the core issue for Tokelau in creating a constitutional framework: how to construct a self-governing nation based on the village.

4. In accordance with recommendations made in the "Modern House of Tokelau" report, a new electoral system was instituted for the General Fono. In the past, the 27-seat General Fono was made up of members chosen by each village's Taupulega (Council of Elders) to serve three-year terms: only the Faipule (the representative of each village) and the Pulemuku (the mayor of each village) were elected. In January 1999, elections for a reformed General Fono, made up of six members from each village (18 altogether), were held on the basis of universal suffrage. Each village first elects four officials: Faipule, Pulemuku, Deputy Faipule and Deputy Pulemuku. Next, it elects two delegates nominated by designated groups in the village: women and the aumaga (the workforce of able-bodied men).

5. The newly elected General Fono reflects a generational change in General Fono membership. Delegates are now

younger and more formally educated than before. In addition, where in the past membership in the General Fono was rotational in nature, several of the new delegates have served before. The new set-up is expected to promote continuity in administration and provide the basis for the development of a sense of professionalism.

6. With respect to the January elections, the administering Power noted in its submission to the Special Committee:

"Tokelau's decision to move from a system whereby each village selects, or appoints, its delegates to the General Fono, to one of elections, is significant in the wider context of preparation for self-determination; for the system now adopted provides for the effective participation of the people of Tokelau in their national government. At the same time, the particular electoral arrangements, and their village-centred focus, reflect Tokelau's necessary approach to Constitution-making and governance: of shaping arrangements according to local needs and tradition, while also seeking to find a good balance between the traditional and the imported."

### B. Public service

7. The Tokelau Public Service (TPS) has recently been relocated from Samoa (where it had been located because of the earlier limited state of communications with and within Tokelau) to the atolls. In addition, the Government of Tokelau is restructuring TPS by devolving most public service functions to the villages and making all authorities, including TPS, directly accountable to Tokelau institutions. Villages will be responsible for all public functions except Tokelau's relations with the outside world. A draft of the restructuring plan, setting out which functions could be devolved to villages (or corporatized or privatized) has been prepared. In a speech before the Special Committee, the Ulu O Tokelau (the titular head of Tokelau) said that the final result would be a "small and lean government supported by an equally lean national service at the centre. All else is transferred to those who best know how to manage their own affairs — as they have done so for centuries."

8. In July 1998, at the request of the territorial Government, the New Zealand State Services Commissioner appointed a New Zealand-based Tokelauan as TPS Commissioner in order to ensure the effective and efficient running of the existing TPS, and to assist Tokelau to develop and implement a new independent public service that will fit within the new house of Tokelau.

### III. Economic and social conditions

#### A. Economic development

9. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistributive principles of traditional wealth (the *inati* system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposition of food and produce at a central location, which is then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children.

10. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources, and proneness to natural disasters (such as cyclones). Tokelau's economic stability has been made possible by the high levels of assistance provided by the administering Power, which has committed itself to contributing not less than \$NZ 4.5 million for ongoing support for self-government for the next five years, as well as ongoing support for such projects as enterprise and infrastructure development.

11. As part of "building the modern house of Tokelau", the Territory and the administering Power will create a trust fund for Tokelau as a vehicle whereby Tokelau can seek to become economically independent. This trust fund will be supported in part, through the rentier income that Tokelau receives from payments accruing to its exclusive economic zone, as well as through contributions from appropriate agencies and programmes of the administering Power.

12. Regarding United Nations Development Programme (UNDP) activities in Tokelau, it is supporting sustainable human development through the promotion of good governance and capacity-building and through the promotion of job creation and sustainable livelihoods through village-based entrepreneurial development. The preliminary indications are that Tokelau has the resources to develop private sector ventures based on coconuts, fishing, small-scale ecotourism and handicrafts; project documentation will be forthcoming shortly.

13. An up-to-date international telephone service that cost \$NZ 4 million was inaugurated in April 1997. The telephone system, which also allows for access to the Internet, is expected to contribute to the Territory's progress towards

self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short-wave links to Samoa and a mail ship that visited every five weeks. Of the total cost, New Zealand contributed \$NZ 1.5 million, and Tokelau \$NZ 1.6 million. UNDP and the International Telecommunication Union provided the balance.

#### B. Status of women

14. Women are well-integrated in Tokelauan society. They participate fully in the village decision-making process, through women's committees, the village councils of elders and their membership in the General Fono. The new electoral system for the General Fono has increased gender equity. Women elected to the General Fono no longer function as the representative of the women's committee, but are responsible for representing all the people of the village.

#### C. Education

15. Under Tokelau's compulsory education system, primary and secondary education is available to everyone. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. A new initiative to formulate an information technology strategy in education, taking advantage of the new telecommunication links to the outside world, is under way.

#### D. Health

16. Average life expectancy is 65 to 70 years, and there is easy access to health clinics. However, the shortage of qualified medical practitioners, surgeons and general health-care workers remains a serious problem on all of the atolls. The necessity of transferring the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget.

### IV. Future status of the Territory

#### A. Position of the administering Power

17. In a message to the General Fono on 23 November 1998, the New Zealand Minister of Foreign Affairs and

Trade addressed the new governance arrangements in Tokelau with respect to the future status of the Territory:

"The new arrangements come into effect on 1 July 1999, and already the necessary transitional action is under way. I believe that with these understandings we are striking a good balance between Tokelau's instinctive wish to be more economically self-reliant and the fact that it is too small an economic unit in today's circumstances to be able to call on all the resources, skills and advice it needs — let alone to operate at improved living standards. In so doing, we are redefining, in a way that surely is helpful to all the people of Tokelau, what is the core tangible issue within Tokelau's relationship with New Zealand: economic support of this northern-most community of New Zealand citizens, and the means of assuring their continued vitality ...

"A further factor, which draws attention to 1999's opportunity, stems from the wide-ranging discussions held during the Council of Faipule's visit on topics which bear immediately on Tokelau's constitutional development, and more particularly on its stated wish to better prepare itself for an act of self-determination at an appropriate time ...

"In a way, on all these fronts, we shall be revisiting with the General Fono and Council of Faipule the 1994 Voice of Tokelau, which set out for the United Nations Tokelau's 'blueprint' for preparing an act of self-determination. Account can be taken of progress made meanwhile in the several areas identified (such as telecommunications), and of the better identification which has been made of the issues and (sometimes) their solutions. I think we all recognize that more detailed arrangements would be needed to cover a self-governing Tokelau than were devised much earlier for the Cook Islands and Niue; not least, a tighter definition of partnership, including the obligations accepted on both sides, and of the continuing support that New Zealand is prepared to provide. The central thought is that after self-determination, Tokelau would not be cut adrift and that New Zealand, as well as other partners in their appropriate ways, will see it as part of their function to help Tokelau succeed."

## B. Position of the people of Tokelau

18. The issue of self-determination is under active consideration by the people of Tokelau, who have expressed

a strong preference for a status of free association with New Zealand (see A/AC.109/2124). With respect to the development of a new constitutional framework, the Ulu O Tokelau made the following statement to the Special Committee:

"We cannot exercise our right to an act of self-determination until we have put in place political, economic and administrative structures and arrangements appropriate to our situation and with ongoing supportive mechanisms. Real self-determination for Tokelau is about economic independence, cultural affirmation, identity and the protection of the pristine environment. The present and future generations of Tokelau have a right to enjoy these privileges ...

"In the process of searching for appropriate structures and arrangements to govern ourselves, we have had to reconstruct the House of Tokelau ... The freedom to do this has helped immensely, and we thank the Special Committee for appreciating and accepting our situation and the supportive and nurturing attitude of the administering Power, characterized by the Administrator of Tokelau, who is here today. But the task is by no means completed, and this is where we are asking for the continuing support of the Special Committee and agencies of the United Nations."

## C. Action by the General Assembly

19. On 3 December 1998, the General Assembly adopted its resolution 53/66 on the question of Tokelau.

### Notes

<sup>1</sup> The information contained in the present paper has been derived from information provided to the Secretariat by the Permanent Mission of New Zealand to the United Nations in April 1999 and from the United Nations Development Programme report on country cooperation frameworks and related matters: first country cooperation framework for Tokelau (1998–2002) (DP/CCF/TOK/1).

<sup>2</sup> *World Factbook 1998*, Central Intelligence Agency.